IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO

STATE OF WASHINGTON,	)	**No. 37363-7-II**
	)	
Respondent,	)	
	)	
v.	)	
	)	
COREY ALAN RUNYON,	)	
	)	
Appellant.	)	**UNPUBLISHED OPINION**
_____	)	

Korsmo, J. — Corey Runyon challenges the search of a cargo trailer on his property, arguing that officers exceeded the scope of the search warrant. We conclude that the warrant authorized the search of the container and affirm his convictions.

FACTS

A task force of officers descended upon Runyon's property to serve a search warrant authorizing the seizure of methamphetamine. The property consisted of two parcels of land that contained an automobile repair shop, a motor home in which Runyon

resided, more than 20 inoperable vehicles, one large cargo trailer, and other motor vehicles. The property was described as looking like a junk yard.

The warrant authorized officers to search the motor home in which Runyon lived, any vehicles registered to the occupants of the property, and also any "outbuildings, garages, sheds or the like." Clerk's Papers (CP) 27-28.[1] Officers searching the repair shop saw a motorcycle that they recognized as having been recently stolen. They obtained a second search warrant that expanded the scope of objects that could be seized.

While the second warrant was being obtained, officers at the site continued serving the first warrant. Pursuant to that warrant officers entered the large cargo trailer and found a stolen credit card among papers belonging to Runyon.

Runyon ultimately was charged in the Clark County Superior Court with manufacturing methamphetamine, possessing methamphetamine, first degree possession of stolen property, and second degree possession of stolen property. He moved to suppress evidence, arguing that the search of the large cargo container exceeded the scope of the search warrant.

The trial court denied the motion, concluding that the cargo trailer was a "vehicle" and, thus, within the scope of the warrant. A jury subsequently convicted Runyon of the

[1] The residence on the property, which belonged to the defendant's mother, was excluded from the search warrant. CP 27.

four noted charges and also found that the manufacturing offense occurred within 1,000 feet of a school bus stop. He received standard range sentences and then appealed to this court.

ANALYSIS

The sole issue[2] presented by this appeal is whether the search warrant authorized officers to enter and search the cargo trailer. The challenge implicates only count four, the conviction for second degree possession of stolen property based on the credit card found in the cargo trailer. Runyon does not dispute that probable cause existed for issuing the warrant.

The trial court is required to enter findings of fact and conclusions of law after it conducts a suppression hearing. CrR 3.6(b). We review the factual findings for "substantial evidence." *State v. Hill,* 123 Wn.2d 641, 647, 870 P.2d 313 (1994). "Substantial evidence" is evidence sufficient to convince a fair-minded person of the truth of the finding. 123 Wn.2d at 644. The trial court's legal conclusions are reviewed *de novo. State v. Acrey,* 148 Wn.2d 738, 745, 64 P.3d 594 (2003).

The Fourth Amendment provides that no warrants shall issue except those

[2] Runyon filed a statement of additional grounds in which he argued that the evidence did not support any of the five verdicts and that the trial judge was biased because he knew one of the witnesses. We conclude these arguments are without merit and will not further address them.

"particularly describing the places to be searched." A perfect description is not required. It "is enough if the description is such that the officer with a search warrant can, with reasonable effort ascertain and identify the place intended." *Steele v. United States*, 267 U.S. 498, 503, 69 L. Ed. 757, 45 S. Ct. 414 (1925). The purpose of the description requirement is to avoid a mistaken search. *State v. Smith*, 39 Wn. App. 642, 649, 694 P.2d 660 (1984), *review denied*, 103 Wn.2d 1034 (1985).

The question, then, is whether reasonable officers would understand that the cargo container was within the scope of the search warrant. Two definitions in our criminal code are instructive here. First is the definition of "vehicle." RCW 9A.04.110(28) provides that "Vehicle" includes any "motor vehicle" or "any vessel equipped for propulsion by mechanical means or by sail." The second definition is that of "building" found in RCW 9A.04.110(5). That definition provides that in addition to the usual meaning, a "Building" also is a "cargo container, or any other structure used for lodging of persons or for . . . deposit of goods."

These provisions were construed in a somewhat similar factual situation in *State v. Tyson,* 33 Wn. App. 859, 658 P.2d 55, *review denied,* 99 Wn.2d 1023 (1983). There, the defendant had broken into a trailer which was still attached to the truck tractor that had just hauled it from California to Seattle. 33 Wn. App. at 860-861. Reviewing the same

two definitions of "vehicle" and "building," Division One of this court concluded that a trailer attached to a tractor was not a "vehicle" because it was not self-propelled. It was, however, a "building" under the criminal code's definition. 33 Wn. App. at 862-863. Division One upheld Tyson's burglary conviction. 33 Wn. App. at 861, 865.

Acknowledging that the trial attorneys did not help the trial court on this issue, the State argues that the trial court erred in concluding that the cargo trailer was a "vehicle" and instead argues that it was a "building." *Tyson* and the above-noted definitions confirm that the State is correct. A cargo trailer is clearly a "cargo container" and, hence, a "building" under our criminal code.

Runyon agrees that there was probable cause to search the structures on the premises for methamphetamine. Because the cargo trailer was a "building" under the criminal code, the trailer was within the scope of the search warrant's directive to search all "outbuildings" on the property. We also think that, even if not considered a building, officers would consider the storage container to be "outbuildings, garages, sheds or the like." CP 27-28. The container was serving to store goods, just as "garages, sheds or the like" do. A reasonable officer would understand that the cargo trailer fit within the scope of the warrant.

The trial court correctly denied the motion to suppress. The convictions are

affirmed.

A majority of the panel has determined this opinion will not be printed in the

Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

_____
Korsmo, J.

WE CONCUR:

_____
Van Deren, C.J.

_____
Penoyar, J.